Michael J. Bettinger (State Bar No. 122196) Shane Brun (State Bar No. 179079) Rachel R. Davidson (State Bar No. 215517) Mikal J. Condon (State Bar No. 229208) 1 **K&L GATES LLP** Four Embarcadero Center, Suite 1200 IT IS SO ORDERE 2 San Francisco, CA 94111 Telephone: (415) 882-8200 3 Facsimile: (415) 882-8220 mike.bettinger@klgates.com 4 shane.brun@klgates.com rachel.davidson@klgates.com 5 mikal.condon@klgates.com 6 Attorneys for Defendant EASTMAN KODAK COMPANY 7 11/17/2010 8 UNITED STATES DISTRICT COURT 9 NORTHERN DISTRICT OF CALIFORNIA 10 SAN JOSE DIVISION 11 APPLE INC., a California Corporation, Case No. 5:10-CV-04145-JW-PVT 12 **ORDER VACATING CASE** Plaintiff, MANAGEMENT CONFERENCE 13 v. 14 EASTMAN KODAK COMPANY, a New Jersey Corporation, Date: November 15, 2010 15 Time: 9:00 a.m. Defendant. Courtroom: 8, Fourth Floor 16 Judge: Hon. James Ware 17 18 19 20 21 22 23 24 25 26 STIPULATION AND [PROPOSED] ORDER 27 Case No. 5:10-CV-04145-JW-PVT 28

WHEREAS, Plaintiff Apple Inc. ("Apple") filed this complaint in California state court against Eastman Kodak Company ("Kodak") on August 25, 2010; 1 WHEREAS, on September 15, 2010, Kodak removed the case to federal court on 2 diversity grounds; 3 WHEREAS, on October 8, 2010, the Court issued a notice setting the initial case 4 management conference in this case for November 29, 2010 at 10 a.m.; 5 WHEREAS, on October 8, 2010, Kodak filed a Motion to Dismiss, Or In The Alternative, 6 Transfer Venue to the Western District of New York, and noticed its motion for November 15; 7 WHEREAS, on October 12, 2010, the Court continued the hearing on Kodak's Motion to 8 Dismiss, Or In The Alternative, Transfer Venue to the Western District of New York to January 9 31, 2011, but did not continue the initial case management conference or related deadlines, 10 including the Rule 26(f) conference, the case management conference statement, and the Rule 11 26(f) initial disclosures, arising from the November 29 conference date; 12 IT IS HEREBY STIPULATED BY AND BETWEEN THE PARTIES, pursuant to Civil 13 L.R. 7-12 and 16-2(e), to request that the current case management conference, now scheduled 14 for November 29, 2010, at 10 a.m., be continued, if necessary, to the earliest Court date available 15 after the January 31, 2011 hearing on Kodak's Motion to Dismiss, Or In The Alternative, 16 Transfer Venue to the Western District of New York. The parties additionally request that the 17 due date of the Case Management Conference Statement, the Rule 26(f) conference, and the Rule 18 26(f) initial disclosures be continued accordingly. 19 //// 20 //// 21 //// 22 //// 23 //// 24 //// 25 //// 26 //// 27 STIPULATION AND [PROPOSED] ORDER Case No. 5:10-CV-04145-JW-PVT

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	There have been no other extensions of the Case Management Conference hearing date or			
1		due date of the Case Management Conference Statement.		
2		tes LLP		
3	By: _/s	z/		
4 5	4 Minimum Sh	ichael J. Bettinger ane Brun achel R. Davidson		
		ikal J. Condon &L GATES LLP		
6 7	41	Embarcadero Center, Suite 1200 n Francisco, CA 94111		
8		for Defendant Kodak Company		
9	Dated: November 12, 2010			
10	$\frac{1}{M}$	atthew D. Powers		
11	Sto Gi	even S. Cherensky regory D. Hull EIL, GOTSHAL & MANGES LLP		
12 13	20	EIL, GOTSHAL & MANGES LLP 1 Redwood Shores Parkway edwood Shores, CA 94065		
		,		
14	Attorneys for Plaintiff Apple Inc.			
15				
16 17	I, Mikal J. Condon, attest that concurrence in e-filing this Stipulation and Proposed Order			
18	hashan aktain differentia Mattham D. Danna	has been obtained from signatories Matthew D. Powers and Gregory D. Hull.		
19		mitted,		
20	By: /s/			
21	Mikal J. Condon			
22				
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26	26			
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28	STIPHLATION AND IPROPOSI	E D] ORDER V-PVT		

[PROPOSED] ORDER

	PURSUANT TO THE STIPULATION, the Case Management Conference currently	
1	scheduled for November 29, 2010 at 10 am is hereby VACATED.	
2	The Court will set a new Conference date in its Order addressing the pending motion, if	
3	necessary.	
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5	IT IS SO ORDERED.	
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7		
8	Dated: November 17, 2010 Hon James Ware, District Court Judge	
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	CONTRACT AND CREATED AREA	

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